
HOUSE BILL 2439

State of Washington

69th Legislature

2026 Regular Session

By Representatives Reeves, Parshley, Pollet, and Macri

Read first time 01/13/26. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to enhancing public health by modifying
2 cigarette, vapor product, and tobacco product policy; amending RCW
3 70.155.010, 82.26.200, 82.26.230, 70.345.030, 82.25.090, 82.24.530,
4 82.24.130, 82.25.030, 82.25.035, 82.25.060, 82.25.070, 82.25.075,
5 70.345.160, 70.155.090, 70.345.120, 70.155.100, 70.345.180,
6 70.345.040, 70.345.050, 70.345.060, 82.24.520, 82.24.530, 82.26.160,
7 82.26.170, 70.155.070, 70.345.110, 70.155.130, 70.345.210, 82.26.020,
8 43.348.080, 82.25.015, and 70.155.120; adding new sections to chapter
9 70.155 RCW; adding new sections to chapter 70.345 RCW; creating a new
10 section; prescribing penalties; and providing an expiration date.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

12 **PART I**

13 **RESPONSIBLE VENDOR PROGRAM**

14 **Sec. 1.** RCW 70.155.010 and 2019 c 15 s 3 are each amended to
15 read as follows:

16 The definitions set forth in RCW 82.24.010 apply to this chapter.
17 In addition, for the purposes of this chapter, unless otherwise
18 required by the context:

19 (1) "Board" means the Washington state liquor and cannabis board.

1 (2) "Internet" means any computer network, telephonic network, or
2 other electronic network.

3 (3) "Licensee" means a person licensed as a vapor product
4 retailer, vapor product delivery seller, cigarette retailer, or
5 tobacco product retailer.

6 (4) "Sample" means a tobacco product distributed to members of
7 the general public at no cost or at nominal cost for product
8 promotion purposes.

9 ~~((4))~~ (5) "Sampling" means the distribution of samples to
10 members of the public.

11 ~~((5))~~ (6) "Tobacco product" means a product that contains
12 tobacco and is intended for human use, including any product defined
13 in RCW 82.24.010(2) or 82.26.010(21), except that for the purposes of
14 RCW 70.155.140 only, "tobacco product" does not include cigars
15 defined in RCW 82.26.010 as to which ~~((one thousand))~~ 1,000 units
16 weigh more than three pounds.

17 ~~((6))~~ (7) "Vapor product" has the same meaning as defined in
18 RCW 70.345.010.

19 NEW SECTION. Sec. 2. A new section is added to chapter 70.155
20 RCW to read as follows:

21 (1) The board must develop rules concerning the adoption and
22 administration of a compliance training program for vapor product
23 retailers, vapor product delivery sellers, cigarette retailers, and
24 tobacco product retailers to be known as a responsible vendor
25 program, to reduce underage consumption of vapor products,
26 cigarettes, and tobacco products, encourage licensees to adopt
27 specific best practices to prevent sales to persons under age 21, and
28 provide licensees with an incentive to give their employees ongoing
29 training in responsible sales.

30 (2) Licensees who join the responsible vendor program under this
31 section and maintain all the program's requirements are subject to a
32 50 percent reduction of a monetary penalty for a single violation in
33 any period of 12 calendar months.

34 (3) The responsible vendor program must be free, voluntary, and
35 self-monitoring.

36 (4) To participate in the responsible vendor program, licensees
37 must submit an application form to the board. If the application
38 establishes that the licensee meets the qualifications to join the
39 program, the board must send the licensee a membership certificate.

1 (5) A licensee participating in the responsible vendor program
2 must, at a minimum:

3 (a) Provide ongoing training to employees;

4 (b) Accept only certain forms of identification for sales of
5 vapor products, cigarettes, and tobacco products;

6 (c) Adopt policies on sales of vapor products, cigarettes, and
7 tobacco products and checking identification;

8 (d) Post specific signs in the business; and

9 (e) Keep records verifying compliance with the program's
10 requirements.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.155
12 RCW to read as follows:

13 Vapor product retailers, vapor product delivery sellers,
14 cigarette retailers, and tobacco product retailers may voluntarily
15 participate in the board's responsible vendor program under section 1
16 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.345
18 RCW to read as follows:

19 In accordance with sections 1 and 2 of this act, vapor product
20 retailers and vapor product delivery sellers may voluntarily
21 participate in the board's responsible vendor program in section 1 of
22 this act.

23 **PART II**

24 **LICENSED DISTRIBUTOR AND WHOLESALE REQUIREMENTS**

25 **Sec. 5.** RCW 82.26.200 and 2020 c 139 s 35 are each amended to
26 read as follows:

27 (1) A retailer may obtain tobacco products only from a licensed
28 distributor. A retailer that obtains tobacco products from (~~a~~
29 ~~unlicensed distributor or any other~~) a person that is not licensed
30 under this chapter, including directly from a manufacturer, must be
31 licensed both as a retailer and a distributor under this chapter and
32 is liable for the tax imposed under RCW 82.26.020 with respect to the
33 tobacco products acquired from the unlicensed person that are held
34 for sale, handling, or distribution in this state. For the purposes
35 of this subsection, "person" includes both persons defined in RCW
36 82.26.010(~~(+14)~~) and any person immune from state taxation, such as

1 the United States or its instrumentalities, and federally recognized
2 Indian tribes and enrolled tribal members, conducting business within
3 Indian country. Tobacco products offered for sale in violation of
4 this subsection are contraband and subject to seizure in accordance
5 with RCW 82.26.230.

6 (2) Every distributor licensed under this chapter must sell
7 tobacco products to retailers located in Washington only if the
8 retailer has a current retailer's license under this chapter.

9 **Sec. 6.** RCW 82.26.230 and 2005 c 180 s 20 are each amended to
10 read as follows:

11 (1) Any tobacco products in the possession of a person selling
12 tobacco products in this state acting as a distributor or retailer
13 and who is not licensed as required under RCW 82.26.190, or a person
14 who is selling tobacco products in violation of RCW 82.26.200 or
15 82.26.220(6), may be seized without a warrant by any agent of the
16 department, agent of the board, or law enforcement officer of this
17 state. Any tobacco products seized under this subsection shall be
18 deemed forfeited.

19 (2) Any tobacco products in the possession of a person who is not
20 a licensed distributor or retailer and who transports tobacco
21 products for sale without having provided notice to the board
22 required under RCW 82.26.140, or without invoices or delivery tickets
23 showing the true name and address of the consignor or seller, the
24 true name and address of the consignee or purchaser, and the quantity
25 and brands of tobacco products being transported may be seized and
26 are subject to forfeiture.

27 (3) All conveyances, including aircraft, vehicles, or vessels
28 that are used, or intended for use to transport, or in any manner to
29 facilitate the transportation, for the purpose of sale or receipt of
30 tobacco products under subsection (2) of this section, may be seized
31 and are subject to forfeiture except:

32 (a) A conveyance used by any person as a common or contract
33 carrier having in actual possession invoices or delivery tickets
34 showing the true name and address of the consignor or seller, the
35 true name of the consignee or purchaser, and the quantity and brands
36 of the tobacco products transported, unless it appears that the owner
37 or other person in charge of the conveyance is a consenting party or
38 privy to a violation of this chapter;

1 (b) A conveyance subject to forfeiture under this section by
2 reason of any act or omission of which the owner establishes to have
3 been committed or omitted without his or her knowledge or consent; or

4 (c) A conveyance encumbered by a bona fide security interest if
5 the secured party neither had knowledge of nor consented to the act
6 or omission.

7 (4) Property subject to forfeiture under subsections (2) and (3)
8 of this section may be seized by any agent of the department, the
9 board, or law enforcement officer of this state upon process issued
10 by any superior court or district court having jurisdiction over the
11 property. Seizure without process may be made if:

12 (a) The seizure is incident to an arrest or a search warrant or
13 an inspection under an administrative inspection warrant; or

14 (b) The department, board, or law enforcement officer has
15 probable cause to believe that the property was used or is intended
16 to be used in violation of this chapter and exigent circumstances
17 exist making procurement of a search warrant impracticable.

18 (5) This section shall not be construed to require the seizure of
19 tobacco products if the department's agent, board's agent, or law
20 enforcement officer reasonably believes that the tobacco products are
21 possessed for personal consumption by the person in possession of the
22 tobacco products.

23 (6) Any tobacco products seized by a law enforcement officer
24 shall be turned over to the board as soon as practicable.

25 **Sec. 7.** RCW 70.345.030 and 2019 c 445 s 211 are each amended to
26 read as follows:

27 (1)(a) No person may engage in or conduct business as a retailer,
28 distributor, or delivery seller in this state without a valid license
29 issued under this chapter, except as otherwise provided by law. Any
30 person who sells vapor products to ultimate consumers by a means
31 other than delivery sales must obtain a retailer's license under this
32 chapter. Any person who meets the definition of distributor under
33 this chapter must obtain a distributor's license under this chapter.
34 Any person who conducts delivery sales of vapor products must obtain
35 a delivery sale license.

36 (b) A violation of this subsection is punishable as a class C
37 felony according to chapter 9A.20 RCW.

38 (2) A retailer may obtain vapor products only from a licensed
39 distributor. A retailer that obtains vapor products from any person

1 that is not licensed under this chapter, including directly from a
2 manufacturer, must be licensed both as a retailer and a distributor
3 under this chapter. Vapor products offered for sale in violation of
4 this subsection are contraband and subject to seizure in accordance
5 with RCW 82.25.090.

6 (3) No person engaged in or conducting business as a retailer,
7 distributor, or delivery seller in this state may refuse to allow the
8 enforcement officers of the board, on demand, to make full inspection
9 of any place of business or vehicle where any of the vapor products
10 regulated under this chapter are sold, stored, transported, or
11 handled, or otherwise hinder or prevent such inspection. A person who
12 violates this subsection is guilty of a gross misdemeanor.

13 ~~((3))~~ (4) Any person licensed under this chapter as a
14 distributor, any person licensed under this chapter as a retailer,
15 and any person licensed under this chapter as a delivery seller may
16 not operate in any other capacity unless the additional appropriate
17 license is first secured, except as otherwise provided by law. A
18 violation of this subsection is a misdemeanor.

19 ~~((4))~~ (5) No person engaged in or conducting business as a
20 retailer, distributor, or delivery seller in this state may sell or
21 give, or permit to sell or give, a product that contains any amount
22 of any cannabinoid, synthetic cannabinoid, cathinone, or
23 methcathinone, unless otherwise provided by law. A violation of this
24 subsection ~~((4))~~ is punishable according to RCW 69.50.401.

25 ~~((5))~~ (6) The penalties provided in this section are in
26 addition to any other penalties provided by law for violating the
27 provisions of this chapter or the rules adopted under this chapter.

28 **Sec. 8.** RCW 82.25.090 and 2019 c 445 s 118 are each amended to
29 read as follows:

30 (1) Any vapor products in the possession of a person selling
31 vapor products in this state acting as a distributor or retailer and
32 who is not licensed as required under chapter 70.345 RCW, or a person
33 who is selling vapor products in violation of RCW 70.345.030 or
34 82.24.550(6), may be seized without a warrant by any agent of the
35 department, agent of the board, or law enforcement officer of this
36 state. Any vapor products seized under this subsection are deemed
37 forfeited.

38 (2) Any vapor products in the possession of a person who is not a
39 licensed distributor, delivery seller, manufacturer's representative,

1 or retailer and who transports vapor products for sale without having
2 provided notice to the board required under RCW 82.25.065, or without
3 invoices or delivery tickets showing the true name and address of the
4 consignor or seller, the true name and address of the consignee or
5 purchaser, and the quantity and brands of vapor products being
6 transported may be seized and are subject to forfeiture.

7 (3) All conveyances, including aircraft, vehicles, or vessels
8 that are used, or intended for use to transport, or in any manner to
9 facilitate the transportation, for the purpose of sale or receipt of
10 vapor products under subsection (2) of this section, may be seized
11 and are subject to forfeiture except:

12 (a) A conveyance used by any person as a common or contract
13 carrier having in actual possession invoices or delivery tickets
14 showing the true name and address of the consignor or seller, the
15 true name of the consignee or purchaser, and the quantity and brands
16 of the vapor products transported, unless it appears that the owner
17 or other person in charge of the conveyance is a consenting party or
18 privy to a violation of this chapter;

19 (b) A conveyance subject to forfeiture under this section by
20 reason of any act or omission of which the owner establishes to have
21 been committed or omitted without his or her knowledge or consent; or

22 (c) A conveyance encumbered by a bona fide security interest if
23 the secured party neither had knowledge of nor consented to the act
24 or omission.

25 (4) Property subject to forfeiture under subsections (2) and (3)
26 of this section may be seized by any agent of the department, the
27 board, or law enforcement officer of this state upon process issued
28 by any superior court or district court having jurisdiction over the
29 property. Seizure without process may be made if:

30 (a) The seizure is incident to an arrest or a search warrant or
31 an inspection under an administrative inspection warrant; or

32 (b) The department, board, or law enforcement officer has
33 probable cause to believe that the property was used or is intended
34 to be used in violation of this chapter and exigent circumstances
35 exist making procurement of a search warrant impracticable.

36 (5) This section may not be construed to require the seizure of
37 vapor products if the department's agent, board's agent, or law
38 enforcement officer reasonably believes that the vapor products are
39 possessed for personal consumption by the person in possession of the
40 vapor products.

1 (6) Any vapor products seized by a law enforcement officer must
2 be turned over to the board as soon as practicable.

3 (7) This section does not apply to a motor carrier or freight
4 forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier
5 as defined in Title 49 U.S.C. Sec. 40102.

6 **Sec. 9.** RCW 82.24.530 and 2016 sp.s. c 38 s 9 are each amended
7 to read as follows:

8 (1) A fee of (~~one hundred seventy-five dollars~~) \$175 must
9 accompany each retailer's license application or license renewal
10 application. A separate license is required for each separate
11 location at which the retailer operates. A fee of (~~thirty~~) 30
12 additional dollars for each vending machine must accompany each
13 application or renewal for a license issued to a retail dealer
14 operating a cigarette vending machine. An additional fee of (~~ninety-~~
15 ~~three dollars~~) \$93 must accompany each application or renewal for a
16 license issued to a retail dealer operating a cigarette-making
17 machine.

18 (2) A retailer applying for, or renewing, both a retailer's
19 license under RCW 82.24.510 and a vapor products retailer's license
20 under RCW 70.345.020 may pay a combined application fee of (~~two~~
21 ~~hundred fifty dollars~~) \$250 for both licenses.

22 (3) A retailer may obtain cigarettes only from a licensed
23 wholesaler. A retailer that obtains cigarettes from any person that
24 is not licensed under this chapter, including directly from a
25 manufacturer, must be licensed both as a retailer and a wholesaler
26 under this chapter. Cigarettes offered for sale in violation of this
27 subsection are contraband and subject to seizure in accordance with
28 RCW 82.24.130.

29 **Sec. 10.** RCW 82.24.130 and 2012 2nd sp.s. c 4 s 8 are each
30 amended to read as follows:

31 (1) The following are subject to seizure and forfeiture:

32 (a) Subject to RCW 82.24.250, any articles taxed in this chapter
33 that are found at any point within this state, which articles are
34 held, owned, or possessed by any person, and that do not have the
35 stamps affixed to the packages or containers; any container or
36 package of cigarettes possessed or held for sale that does not comply
37 with this chapter; and any container or package of cigarettes that is
38 manufactured, sold, or possessed in violation of RCW 82.24.570.

1 (b) All conveyances, including aircraft, vehicles, or vessels,
2 which are used, or intended for use, to transport, or in any manner
3 to facilitate the transportation, for the purpose of sale or receipt
4 of property described in (a) of this subsection, except:

5 (i) A conveyance used by any person as a common or contract
6 carrier having in actual possession invoices or delivery tickets
7 showing the true name and address of the consignor or seller, the
8 true name of the consignee or purchaser, and the quantity and brands
9 of the cigarettes transported, unless it appears that the owner or
10 other person in charge of the conveyance is a consenting party or
11 privy to a violation of this chapter;

12 (ii) A conveyance subject to forfeiture under this section by
13 reason of any act or omission of which the owner thereof establishes
14 to have been committed or omitted without his or her knowledge or
15 consent;

16 (iii) A conveyance encumbered by a bona fide security interest if
17 the secured party neither had knowledge of nor consented to the act
18 or omission.

19 (c) Any vending machine or commercial cigarette-making machine
20 used for the purpose of violating the provisions of this chapter.

21 (d) Any cigarettes that are stamped, sold, imported, or offered
22 or possessed for sale in this state in violation of RCW
23 70.158.030(3). For the purposes of this subsection (1)(d),
24 "cigarettes" has the meaning as provided in RCW 70.158.020(3).

25 (e) Any cigarettes sold in violation of RCW 82.24.530.

26 (2) Property subject to forfeiture under this chapter may be
27 seized by any agent of the department authorized to collect taxes,
28 any enforcement officer of the board, or law enforcement officer of
29 this state upon process issued by any superior court or district
30 court having jurisdiction over the property. Seizure without process
31 may be made if:

32 (a) The seizure is incident to an arrest or a search under a
33 search warrant or an inspection under an administrative inspection
34 warrant; or

35 (b) The department, the board, or the law enforcement officer has
36 probable cause to believe that the property was used or is intended
37 to be used in violation of this chapter and exigent circumstances
38 exist making procurement of a search warrant impracticable.

39 (3) Notwithstanding the foregoing provisions of this section,
40 articles taxed in this chapter which are in the possession of a

1 wholesaler, licensed under Washington state law, for a period of time
2 necessary to affix the stamps after receipt of the articles, are not
3 considered contraband unless they are manufactured, sold, or
4 possessed in violation of RCW 82.24.570.

5 **PART III**

6 **MANUFACTURER CERTIFICATION/ATTESTATION**

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 70.345
8 RCW to read as follows:

9 (1) Each manufacturer of vapor products containing nicotine that
10 are sold at retail in this state, whether directly or through a
11 distributor, retailer, or similar intermediary or intermediaries,
12 must be certified as provided in this section.

13 (2) An application for a certification under this section must be
14 made on a form and in a manner prescribed by the board. The
15 application must include:

16 (a) The name and address of the applicant or, if the applicant is
17 a firm, partnership, limited liability company, or association, the
18 name and address of each of its members or, if the applicant is a
19 corporation, the name and address of each of its officers and the
20 address of its principal place of business;

21 (b) The location of the principal place of business to be
22 licensed;

23 (c) If applicable, a copy of the prevent all cigarette
24 trafficking act registration form (ATF Form 5070.1) as submitted by
25 the applicant to the bureau of alcohol, tobacco, firearms and
26 explosives of the United States department of justice, and an
27 attestation that the applicant is in compliance with, and will
28 continue to comply with, all applicable requirements of 15 U.S.C.
29 Secs. 375 and 376, as they exist on the effective date of this
30 section;

31 (d) An attestation that the applicant will comply with all
32 applicable laws of Washington state and of the applicant's principal
33 place of business;

34 (e) For an applicant with a principal place of business outside
35 the United States, a declaration, in a form prescribed by the board,
36 from each of its importers into the United States of any of its
37 brands to be sold in the state of Washington, that the importer
38 accepts joint and several liability with the applicant for all

1 liability imposed in accordance with chapter 82.25 RCW, including any
2 fees, costs, attorneys' fees, and penalties imposed under chapter
3 82.25 RCW;

4 (f) An attestation that the applicant's products fully comply
5 with the requirements of the United States customs and border
6 protection agency, including accurate entry summary forms (CPB Form
7 7501), and that the applicant is not in violation of 18 U.S.C. Sec.
8 541, 542, or 545, as they exist on the effective date of this
9 section;

10 (g) A list of each type or model of vapor product containing
11 nicotine that is sold in this state; and

12 (h) Such other information as the board may require for the
13 purpose of administering this chapter or chapter 82.25 RCW.

14 (3) Each application for certification must be accompanied by a
15 payment of a \$1,000 fee for each type or model of vapor product
16 containing nicotine the first time an annual certification form is
17 delivered to the board and a payment of a \$500 fee for each type or
18 model of vapor product containing nicotine the second and each
19 subsequent time an annual certification form is delivered to the
20 board.

21 (4) A manufacturer may not cause to be sold at retail in this
22 state any type or model of vapor product containing nicotine not
23 included in the application under this section without first:

24 (a) Filing an amended certification form in a form and manner
25 prescribed by the board; and

26 (b) Paying the appropriate fee under subsection (3) of this
27 section.

28 (5) Upon receipt of an application in proper form and payment of
29 the fee, the board shall issue a certification to the applicant,
30 except as provided in subsection (7) of this section. A certification
31 is not assignable, is valid only for the person in whose name it is
32 issued, and is continuously valid unless suspended, canceled, or
33 revoked by the board.

34 (6) A manufacturer who is certified under this section shall have
35 established sufficient contact with this state for the exercise of
36 personal jurisdiction over the manufacturer in any matter or issue
37 arising under this chapter or chapter 82.25 RCW.

38 (7) After notice and an opportunity for a hearing, the board may
39 suspend, cancel, or revoke any certification for a violation of this
40 chapter, chapter 82.25 RCW, or a rule of the board.

1 (8) The board may adopt rules to implement this section and
2 sections 12 and 13 of this act.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 70.345
4 RCW to read as follows:

5 (1) Any nonresident or foreign manufacturer that has not
6 registered to do business in the state as a foreign corporation or
7 business entity must, as a condition precedent to being certified
8 under section 11 of this act, submit to the board a surety bond or
9 other cash security payable to the state of Washington in the amount
10 of \$25,000. The bond must be posted by a corporate surety located
11 within the United States.

12 (2) The bond under subsection (1) of this section must be
13 conditioned on the performance by the manufacturer of all
14 requirements and obligations imposed by this section. A surety on a
15 manufacturer's bond is liable up to the amount of the bond and the
16 state may execute on the surety bond for the payment of fines and
17 penalties imposed on the manufacturer under this chapter and for the
18 costs of seizure and destruction of products sold in violation of
19 this chapter or chapter 82.25 RCW. If the state executes on the
20 surety bond, it may require the manufacturer to provide an additional
21 bond as a condition precedent for the manufacturer to remain
22 certified.

23 (3) A surety on a bond furnished by a manufacturer as provided in
24 this section must be released and discharged from liability to the
25 state accruing on the bond after 60 days from the date upon which the
26 surety has filed with the board a written request to be released and
27 discharged. This subsection does not operate to relieve, release, or
28 discharge the surety from liability already accrued or that accrues
29 before the expiration of the 60-day period. The board must, upon
30 receiving a request under this subsection, notify the manufacturer
31 who furnished the bond. The board must revoke the certification of a
32 manufacturer unless the manufacturer files a new bond with the board
33 before the expiration of the 60-day period, with the surety approved
34 by and acceptable to the board.

35 NEW SECTION. **Sec. 13.** A new section is added to chapter 70.345
36 RCW to read as follows:

37 (1) Any nonresident manufacturer of vapor products containing
38 nicotine that has not registered to do business in the state of

1 Washington as a foreign corporation or business entity shall, as a
2 condition precedent to being certified under section 11 of this act,
3 appoint and continually engage without interruption the services of
4 an agent in the state of Washington to act as agent for the service
5 of process on whom all process, and any action or proceeding against
6 such manufacturer concerning or arising out of the enforcement of
7 this chapter or chapter 82.25 RCW, may be served in any manner
8 authorized by law.

9 (2) The manufacturer must provide notice to the board at least 30
10 calendar days prior to the termination of the authority of an agent
11 and shall further provide proof to the satisfaction of the board of
12 the appointment of a new agent no less than five calendar days before
13 the termination of an existing agent appointment. If an agent
14 terminates an agency appointment, the manufacturer must notify the
15 board of the termination within five calendar days and must include
16 proof to the satisfaction of the board of a new agent.

17 **Sec. 14.** RCW 82.25.030 and 2019 c 445 s 106 are each amended to
18 read as follows:

19 (1) Every manufacturer of vapor products required to be certified
20 under section 11 of this act and every distributor must keep at each
21 place of business complete and accurate records for that place of
22 business, including itemized invoices, of vapor products held,
23 purchased, manufactured, brought in or caused to be brought in from
24 without the state, or shipped or transported to retailers in this
25 state, and of all sales of vapor products made.

26 (2) These records must show the names and addresses of
27 purchasers, the inventory of all vapor products, and other pertinent
28 papers and documents relating to the purchase, sale, or disposition
29 of vapor products. All invoices and other records required by this
30 section to be kept must be preserved for a period of five years from
31 the date of the invoices or other documents or the date of the
32 entries appearing in the records.

33 (3) At any time during usual business hours the department,
34 board, or its duly authorized agents or employees may enter any place
35 of business of a manufacturer required to be certified under section
36 11 of this act or a distributor, without a search warrant, and
37 inspect the premises, the records required to be kept under this
38 chapter, and the vapor products contained therein, to determine
39 whether or not all the provisions of this chapter and section 11 of

1 this act are being fully complied with. If the department, board, or
2 any of its agents or employees are denied free access or are hindered
3 or interfered with in making such examination, the manufacturer's
4 certification or the registration certificate issued under RCW
5 82.32.030 of the distributor at such premises are subject to
6 revocation by the department, and any licenses issued under chapter
7 70.345, 82.26, or 82.24 RCW are subject to suspension or revocation
8 by the board.

9 **Sec. 15.** RCW 82.25.035 and 2019 c 445 s 107 are each amended to
10 read as follows:

11 Every person required to be licensed under chapter 70.345 RCW, or
12 certified under section 11 of this act, who sells vapor products to
13 persons other than the ultimate consumer must render with each sale
14 itemized invoices showing the seller's name and address, the
15 purchaser's name and address, the date of sale, and all prices. The
16 person must preserve legible copies of all such invoices for five
17 years from the date of sale.

18 **Sec. 16.** RCW 82.25.060 and 2019 c 445 s 112 are each amended to
19 read as follows:

20 (1) The department may by rule establish the invoice detail
21 required under RCW 82.25.030 for a distributor or manufacturer and
22 for those invoices required to be provided to retailers under RCW
23 82.25.040.

24 (2) If a retailer fails to keep invoices as required under RCW
25 82.25.040, the retailer is liable for the tax owed on any uninvoiced
26 vapor products but not penalties and interest, except as provided in
27 subsection (3) of this section.

28 (3) If the department finds that the nonpayment of tax by the
29 retailer was willful or if in the case of a second or plural
30 nonpayment of tax by the retailer, penalties and interest must be
31 assessed in accordance with chapter 82.32 RCW.

32 **Sec. 17.** RCW 82.25.070 and 2019 c 445 s 114 are each amended to
33 read as follows:

34 The board must compile and maintain a current record of the names
35 of all distributors, retailers, and delivery sales licenses under
36 chapter 70.345 RCW and the status of their license or licenses and of
37 the names of all manufacturers certified under section 11 of this

1 act. The information must be updated on a monthly basis and published
2 on the board's official internet website. This information is not
3 subject to the confidentiality provisions of RCW 82.32.330 and must
4 be disclosed to manufacturers, distributors, retailers, and the
5 general public upon request.

6 **Sec. 18.** RCW 82.25.075 and 2019 c 445 s 115 are each amended to
7 read as follows:

8 (1) No person engaged in or conducting business as a distributor
9 or retailer in this state or as a manufacturer required to be
10 certified under section 11 of this act may:

11 (a) Make, use, or present or exhibit to the department or the
12 board any invoice for any of the vapor products taxed under this
13 chapter that bears an untrue date or falsely states the nature or
14 quantity of the goods invoiced; or

15 (b) Fail to produce on demand of the department or the board all
16 invoices of all the vapor products taxed under this chapter within
17 five years prior to such demand unless the person can show by
18 satisfactory proof that the nonproduction of the invoices was due to
19 causes beyond the person's control.

20 (2)(a) No person, other than a licensed distributor, retailer or
21 delivery sales licensee, or manufacturer's representative, may
22 transport vapor products for sale in this state for which the taxes
23 imposed under this chapter have not been paid unless:

24 (i) Notice of the transportation has been given as required under
25 RCW 82.25.065;

26 (ii) The person transporting the vapor products actually
27 possesses invoices or delivery tickets showing the true name and
28 address of the consignor or seller, the true name and address of the
29 consignee or purchaser, and the quantity and brands of vapor products
30 being transported; and

31 (iii) The vapor products are consigned to or purchased by a
32 person in this state who is licensed under chapter 70.345 RCW.

33 (b) A violation of this subsection (2) is a gross misdemeanor.

34 (3) Any person licensed under chapter 70.345 RCW as a
35 distributor, and any person licensed under chapter 70.345 RCW as a
36 retailer, may not operate in any other capacity unless the additional
37 appropriate license is first secured, except as otherwise provided by
38 law. A violation of this subsection (3) is a misdemeanor.

1 (4) The penalties provided in this section are in addition to any
2 other penalties provided by law for violating the provisions of this
3 chapter or the rules adopted under this chapter.

4 (5) This section does not apply to a motor carrier or freight
5 forwarder as defined in Title 49 U.S.C. Sec. 13102 or an air carrier
6 as defined in Title 49 U.S.C. Sec. 40102.

7 **PART IV**

8 **VAPOR PRODUCT EXTENDED PRODUCER RESPONSIBILITY**

9 NEW SECTION. **Sec. 19.** (1) The department of ecology, in
10 consultation with the liquor and cannabis board and other agencies
11 the department deems appropriate, shall study policy options and the
12 feasibility of the state requiring manufacturers of vapor products
13 sold in Washington to participate in a stewardship organization with
14 a plan approved by the department to provide for the collection,
15 transportation, recycling, and disposal of vapor products and their
16 component parts.

17 (2) Policies examined under this section must include:

18 (a) How producers will fully finance the collection,
19 transportation, recycling, and disposal of vapor products sold for
20 use in Washington;

21 (b) A provision for the collection of products at each retail
22 outlet operated by a person licensed as a vapor product retailer;

23 (c) Methods for collection, transportation, recycling, and
24 disposal of vapor products collected by the stewardship organization;

25 (d) A plan for education and outreach by the stewardship
26 organization to vapor product retail license holders;

27 (e) A plan for education and outreach by the stewardship
28 organization to consumers regarding the opportunities provided by the
29 stewardship organization for the end-of-life management of vapor
30 products; and

31 (f) Performance goals for the collection and recycling of vapor
32 products and their constituent parts, and a plan for measuring the
33 operations of the program relative to those performance goals.

34 (3) The department of ecology shall submit a report on its study
35 and results to the governor and the appropriate committees of the
36 legislature by November 1, 2027.

37 (4) This section expires December 1, 2027.

PART V

DEPARTMENT OF AGRICULTURE TESTING AUTHORITY

Sec. 20. RCW 70.345.160 and 2023 c 398 s 7 are each amended to read as follows:

(1) The board must have, in addition to the board's other powers and authorities, the authority to enforce the provisions of this chapter.

(2) The board and the board's authorized agents or employees have full power and authority to enter any place of business where vapor products are sold for the purpose of enforcing the provisions of this chapter.

(3)(a) For the purpose of enforcing the provisions of this chapter, an enforcement officer of the board who has reasonable grounds to believe a person observed by the officer in proximity to a retailer licensee under this chapter and chapter 82.25 RCW who is purchasing, attempting to purchase, or in possession of vapor products is under (~~eighteen~~) 18 years of age, may detain such person in proximity to such retailer for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. Further, vapor products possessed by persons under (~~eighteen~~) 18 years of age are considered contraband and may be seized by an enforcement officer of the board.

(b) Any enforcement officer who detains a person for the purpose of enforcing the provisions of this chapter and RCW 26.28.080 and 82.24.500 must collect the following information for each fiscal year since 2018:

(i) The total number of interactions where an enforcement officer detained a person;

(ii) Information on the nature of each interaction, including the duration of the interaction, the justification for the interaction, the number of such persons who were under 18 years of age, the number of such persons who were over 18 but under 21 years of age, and whether any citation or warning was issued;

(iii) How many interactions converted to administrative violation notices; and

(iv) How many of the interactions and administrative violation notices converted to retailer education and violations.

1 (c) The board must compile the information collected pursuant to
2 (b) of this subsection, along with any associated demographic data in
3 the possession of the board, and conduct a comparative analysis of
4 all interactions of enforcement officers with persons detained for
5 the purpose of enforcing Title 66 RCW and chapter 69.50 RCW into a
6 statewide report and provide the report to the appropriate committees
7 of the legislature by December 1, 2023, and annually thereafter.

8 (d) All enforcement officers of the board who enforce the
9 provisions of this section and will have interactions with persons
10 under the age of 18 years old must begin receiving training from the
11 United States department of justice office of juvenile justice and
12 delinquency prevention prior to July 1, 2024.

13 (e) For the purposes of this subsection, "proximity" means 100
14 feet or less.

15 (4) The board may work with local county health departments or
16 districts and local law enforcement agencies to conduct random,
17 unannounced, inspections to assure compliance.

18 (5) The board, law enforcement, or a local health department may,
19 with parental authorization, include persons under the age of 18 in
20 compliance activities.

21 (6) Upon a determination by the secretary of health or a local
22 health jurisdiction that a vapor product may be injurious to human
23 health or poses a significant risk to public health:

24 (a) The board, in consultation with the department of health and
25 local county health jurisdictions, may cause a vapor product
26 substance or solution sample, purchased or obtained from any vapor
27 product retailer, distributor, or delivery sale licensee, to be
28 analyzed by an analyst appointed or designated by the board;

29 (b) If the analyzed vapor product contains an ingredient,
30 substance, or solution present in quantities injurious to human
31 health or posing a significant risk to public health, as determined
32 by the secretary of health or a local health jurisdiction, the board
33 may suspend the license of the retailer or delivery sale licensee
34 unless the retailer or delivery sale licensee agrees to remove the
35 product from sales; and

36 (c) If upon a finding from the secretary of health or local
37 health jurisdiction that the vapor product poses an injurious risk to
38 public health or significant public health risk, the retailer or
39 delivery sale licensee does not remove the product from sale, the
40 secretary of health or local health officer may file for an

1 injunction in superior court prohibiting the sale or distribution of
2 that specific vapor product substance or solution.

3 (7) Nothing in subsection (6) of this section permits a total ban
4 on the sale or use of vapor products.

5 (8) (a) In addition to the authority of any other state or local
6 agency or local health jurisdiction to analyze a vapor product
7 substance or solution, the department of agriculture may perform
8 laboratory tests and analyze any vapor product substance or solution
9 obtained by the department of health, the board, the department of
10 agriculture, another state agency, or a local health jurisdiction.

11 (b) Nothing in this subsection (8) requires testing of a vapor
12 product substance or solution by the department of agriculture.

13 **PART VI**
14 **AGE VERIFICATIONS**

15 **Sec. 21.** RCW 70.155.090 and 2006 c 14 s 4 are each amended to
16 read as follows:

17 (1) ~~((Where there may be a question of a person's right to~~
18 ~~purchase or obtain tobacco products by reason of age, the)) A~~
19 ~~retailer or agent ((thereof,)) shall require the purchaser of a~~
20 ~~tobacco product or vapor product to present any one of the following~~
21 ~~officially issued identification that shows the purchaser's age and~~
22 ~~bears his or her signature and photograph: (a) Liquor control~~
23 ~~authority card of identification of a state or province of Canada;~~
24 ~~(b) driver's license, instruction permit, or identification card of a~~
25 ~~state or province of Canada; (c) "identocard" issued by the~~
26 ~~Washington state department of licensing under chapter 46.20 RCW; (d)~~
27 ~~United States military identification; (e) passport; (f) enrollment~~
28 ~~card, issued by the governing authority of a federally recognized~~
29 ~~Indian tribe located in Washington, that incorporates security~~
30 ~~features comparable to those implemented by the department of~~
31 ~~licensing for Washington drivers' licenses. At least ~~((ninety))~~ 90~~
32 ~~days prior to implementation of an enrollment card under this~~
33 ~~subsection, the appropriate tribal authority shall give notice to the~~
34 ~~board. The board shall publish and communicate to licensees regarding~~
35 ~~the implementation of each new enrollment card; or (g) merchant~~
36 ~~marine identification card issued by the United States coast guard.~~

37 (2) It is a defense to a prosecution under RCW 26.28.080 that the
38 person making a sale reasonably relied on any of the officially

1 issued identification as defined in subsection (1) of this section.
2 The (~~liquor control~~) board shall waive the suspension or revocation
3 of a license if the licensee clearly establishes that he or she acted
4 in good faith to prevent violations and a violation occurred despite
5 the licensee's exercise of due diligence.

6 **Sec. 22.** RCW 70.345.120 and 2016 sp.s. c 38 s 15 are each
7 amended to read as follows:

8 (1) (~~When there may be a question of a person's right to~~
9 ~~purchase or obtain vapor products by reason of age~~) Before
10 completing a transaction for the sale of vapor products, the retailer
11 or agent thereof, must require the purchaser to present any one of
12 the following officially issued forms of identification that shows
13 the purchaser's age and bears his or her signature and photograph:
14 (a) Liquor control authority card of identification of a state or
15 province of Canada; (b) driver's license, instruction permit, or
16 identification card of a state or province of Canada; (c)
17 "identocard" issued by the Washington state department of licensing
18 under chapter 46.20 RCW; (d) United States military identification;
19 (e) passport; (f) enrollment card, issued by the governing authority
20 of a federally recognized Indian tribe located in Washington, that
21 incorporates security features comparable to those implemented by the
22 department of licensing for Washington drivers' licenses. At least
23 (~~ninety~~) 90 days prior to implementation of an enrollment card
24 under this subsection, the appropriate tribal authority must give
25 notice to the board. The board must publish and communicate to
26 licensees regarding the implementation of each new enrollment card;
27 or (g) merchant marine identification card issued by the United
28 States coast guard.

29 (2) It is a defense to a prosecution under RCW 26.28.080 that the
30 person making a sale reasonably relied on any of the officially
31 issued identification as defined in subsection (1) of this section.
32 The board must waive the suspension or revocation of a license if the
33 licensee clearly establishes that he or she acted in good faith to
34 prevent violations and a violation occurred despite the licensee's
35 exercise of due diligence.

36 **PART VII**
37 **PRODUCT PROHIBITIONS, TRIBAL RETAILERS, AND THE CONSUMER PROTECTION**
38 **ACT**

1 NEW SECTION. **Sec. 23.** A new section is added to chapter 70.345
2 RCW to read as follows:

3 (1) Beginning January 1, 2027, no vapor product retailer,
4 delivery sale licensee, distributor, or other person may sell, offer
5 for sale, display, market, or advertise for sale in this state, any
6 entertainment vapor product.

7 (2) For purposes of this section, "entertainment vapor product"
8 means any vapor product that has interactive gaming or entertainment
9 features including, but not limited to, allowing a user to play music
10 or audio, display photos or video, play virtual games, or display
11 other animations on the device.

12 NEW SECTION. **Sec. 24.** A new section is added to chapter 70.345
13 RCW to read as follows:

14 Beginning January 1, 2027, no vapor product retailer, delivery
15 sale licensee, distributor, or other person may market, promote,
16 label, brand, advertise, distribute, offer for sale, or sell a vapor
17 product in this state by:

18 (1) Imitating a product that is not a vapor product, including
19 but not limited to:

20 (a) A food or brand of food commonly marketed to minors
21 including, but not limited to, candy, desserts, and beverages;

22 (b) School supplies commonly used by minors including, but not
23 limited to, erasers, highlighters, pens, and pencils; and

24 (c) A product based on or depicting a character, personality, or
25 symbol known to appeal to minors including, but not limited to, a
26 celebrity, a character in a comic book, movie, television show, or
27 video game, or a mythical creature;

28 (2) Attempting to conceal the nature of the vapor product from
29 parents, teachers, or other adults; or

30 (3) Using terms for, describing, or depicting any product
31 described in subsection (1) of this section.

32 NEW SECTION. **Sec. 25.** A new section is added to chapter 70.345
33 RCW to read as follows:

34 In recognition of the sovereign authority of tribal governments,
35 the governor may seek government-to-government negotiations with
36 federally recognized Indian tribes regarding prohibiting the sale and
37 offer for sale of any entertainment vapor product and vapor products
38 identified in section 24 of this act, and the display, marketing, or

1 advertising for sale of such products, in compacts entered into under
2 RCW 43.06.505 through 43.06.515.

3 NEW SECTION. **Sec. 26.** A new section is added to chapter 70.345
4 RCW to read as follows:

5 The legislature finds that the practices covered by sections 23
6 and 24 of this act are matters vitally affecting the public interest
7 for the purpose of applying the consumer protection act, chapter
8 19.86 RCW. A violation of sections 23 or 24 of this act is not
9 reasonable in relation to the development and preservation of
10 business and is an unfair or deceptive act in trade or commerce and
11 an unfair method of competition for the purpose of applying the
12 consumer protection act, chapter 19.86 RCW.

13 **PART VIII**

14 **PENALTIES**

15 **Sec. 27.** RCW 70.155.100 and 2023 c 398 s 4 are each amended to
16 read as follows:

17 (1) The ((~~liquor and cannabis~~)) board may suspend or revoke a
18 retailer's license issued under RCW 82.24.510(1)(b) or
19 82.26.150(1)(b) held by a business at any location, or may impose a
20 monetary penalty as set forth in subsection (3) of this section, if
21 the ((~~liquor and cannabis~~)) board finds that the licensee has
22 violated RCW 26.28.080, 70.155.020, 70.155.030, 70.155.040,
23 70.155.050, 70.155.070, ((~~or~~)) 70.155.090, or section 23 or 24 of
24 this act.

25 (2) Any retailer's licenses issued under RCW 70.345.020 to a
26 person whose license or licenses under chapter 82.24 or 82.26 RCW
27 have been suspended or revoked for violating RCW 26.28.080, or
28 section 23 or 24 of this act, must also be suspended or revoked
29 during the period of suspension or revocation under this section.

30 (3) The sanctions that the ((~~liquor and cannabis~~)) board may
31 impose against a person licensed under RCW 82.24.530 or 82.26.170
32 based upon one or more findings under subsection (1) of this section
33 may not exceed the following:

34 (a) For violations of RCW 70.155.020 or 21 C.F.R. Sec. 1140.14,
35 and for violations of RCW 70.155.040 occurring on the licensed
36 premises:

1 (i) A monetary penalty of \$200 for the first violation within any
2 three-year period;

3 (ii) A monetary penalty of \$600 for the second violation within
4 any three-year period;

5 (iii) A monetary penalty of \$2,000 and suspension of the license
6 for a period of six months for the third violation within any three-
7 year period;

8 (iv) A monetary penalty of \$3,000 and suspension of the license
9 for a period of 12 months for the fourth violation within any three-
10 year period;

11 (v) Revocation of the license with no possibility of
12 reinstatement for a period of five years for the fifth or more
13 violation within any three-year period;

14 (b) For violations of RCW 26.28.080, or section 23 or 24 of this
15 act:

16 (i) A monetary penalty of \$1,000 for the first violation within
17 any three-year period;

18 (ii) A monetary penalty of \$2,500 for the second violation within
19 any three-year period;

20 (iii) A monetary penalty of \$5,000 and suspension of the license
21 for a period of six months for the third violation within any three-
22 year period;

23 (iv) A monetary penalty of \$10,000 and suspension of the license
24 for a period of 12 months for the fourth violation within any three-
25 year period;

26 (v) Revocation of the license with no possibility of
27 reinstatement for a period of five years for the fifth or more
28 violation within any three-year period;

29 (c) If the board finds that a person licensed under chapter 82.24
30 or 82.26 RCW and RCW 70.345.020 has violated RCW 26.28.080, or
31 section 23 or 24 of this act, each subsequent violation of either of
32 the person's licenses counts as an additional violation within that
33 three-year period;

34 (d) For violations of RCW 70.155.030, a monetary penalty in the
35 amount of \$100 for each day upon which such violation occurred;

36 (e) For violations of RCW 70.155.050, a monetary penalty in the
37 amount of \$600 for each violation;

38 (f) For violations of RCW 70.155.070, a monetary penalty in the
39 amount of \$2,000 for each violation.

1 (4) The ((~~liquor and cannabis~~)) board may impose a monetary
2 penalty upon any person other than a licensed cigarette or tobacco
3 product retailer if the ((~~liquor and cannabis~~)) board finds that the
4 person has violated RCW 26.28.080, 70.155.020, 70.155.030,
5 70.155.040, 70.155.050, 70.155.070, or 70.155.090.

6 (5) The monetary penalty that the ((~~liquor and cannabis~~)) board
7 may impose based upon one or more findings under subsection (4) of
8 this section may not exceed the following:

9 (a) For violation of RCW 26.28.080 or 70.155.020, \$100 for the
10 first violation and \$200 for each subsequent violation;

11 (b) For violations of RCW 70.155.030, \$200 for each day upon
12 which such violation occurred;

13 (c) For violations of RCW 70.155.040, \$200 for each violation;

14 (d) For violations of RCW 70.155.050, \$600 for each violation;

15 (e) For violations of RCW 70.155.070, \$2,000 for each violation.

16 (6) The ((~~liquor and cannabis~~)) board may develop and offer a
17 class for retail clerks and use this class in lieu of a monetary
18 penalty for the clerk's first violation.

19 (7) The ((~~liquor and cannabis~~)) board may issue a cease and
20 desist order to any person who is found by the ((~~liquor and~~
21 ~~cannabis~~)) board to have violated or intending to violate the
22 provisions of this chapter, RCW 26.28.080, 82.24.500, or 82.26.190
23 requiring such person to cease specified conduct that is in
24 violation. The issuance of a cease and desist order does not preclude
25 the imposition of other sanctions authorized by this statute or any
26 other provision of law.

27 (8) The ((~~liquor and cannabis~~)) board may seek injunctive relief
28 to enforce the provisions of RCW 26.28.080, 82.24.500, 82.26.190 or
29 this chapter. The ((~~liquor and cannabis~~)) board may initiate legal
30 action to collect civil penalties imposed under this chapter if the
31 same have not been paid within ((~~thirty~~)) 30 days after imposition of
32 such penalties. In any action filed by the ((~~liquor and cannabis~~))
33 board under this chapter, the court may, in addition to any other
34 relief, award the ((~~liquor and cannabis~~)) board reasonable attorneys'
35 fees and costs.

36 (9) All proceedings under subsections (1) through (7) of this
37 section shall be conducted in accordance with chapter 34.05 RCW.

38 (10) The ((~~liquor and cannabis~~)) board may reduce or waive either
39 the penalties or the suspension or revocation of a license, or both,
40 as set forth in this chapter where the elements of proof are

1 inadequate or where there are mitigating circumstances. Mitigating
2 circumstances may include, but are not limited to, an exercise of due
3 diligence by a retailer. Further, the board may exceed penalties set
4 forth in this chapter based on aggravating circumstances.

5 **Sec. 28.** RCW 70.345.180 and 2016 sp.s. c 38 s 22 are each
6 amended to read as follows:

7 (1) The board may impose a monetary penalty as set forth in
8 subsection (2) of this section, if the board finds that the licensee
9 has violated RCW 26.28.080, or section 23 or 24 of this act, or any
10 other provision of this chapter.

11 (2) Subject to subsection (3) of this section, the sanctions that
12 the board may impose against a person licensed under this chapter
13 based upon one or more findings under subsection (1) of this section
14 may not exceed the following:

15 (a) A monetary penalty of (~~two hundred dollars~~) \$1,000 for the
16 first violation within any three-year period;

17 (b) A monetary penalty of (~~six hundred dollars~~) \$2,500 for the
18 second violation within any three-year period;

19 (c) A monetary penalty of (~~two thousand dollars~~) \$5,000 for the
20 third violation within any three-year period and suspension of the
21 license for a period of six months for the third violation of RCW
22 26.28.080, or section 23 or 24 of this act, within any three-year
23 period;

24 (d) A monetary penalty of (~~three thousand dollars~~) \$10,000 for
25 the fourth or subsequent violation within any three-year period and
26 suspension of the license for a period of (~~twelve~~) 12 months for
27 the fourth violation of RCW 26.28.080, or section 23 or 24 of this
28 act, within any three-year period;

29 (e) Revocation of the license with no possibility of
30 reinstatement for a period of five years for the fifth or more
31 violation within any three-year period.

32 (3) If the board finds that a person licensed under this chapter
33 and chapter 82.24 or 82.26 RCW has violated RCW 26.28.080, or section
34 23 or 24 of this act, each subsequent violation of either of the
35 person's licenses counts as an additional violation within that
36 three-year period.

37 (4) Any retailer's licenses issued under chapter 82.24 or 82.26
38 RCW to a person whose vapor product retailer's license or licenses
39 have been suspended or revoked for violating RCW 26.28.080, or

1 section 23 or 24 of this act, must also be suspended or revoked
2 during the period of suspension or revocation under this section.

3 (5) The board may impose a monetary penalty upon any person other
4 than a licensed retailer if the board finds that the person has
5 violated RCW 26.28.080.

6 (6) The monetary penalty that the board may impose based upon one
7 or more findings under subsection (5) of this section may not exceed
8 (~~(fifty dollars)~~) \$50 for the first violation and (~~(one hundred~~
9 ~~dollars)~~) \$100 for each subsequent violation.

10 (7) The board may develop and offer a class for retail clerks and
11 use this class in lieu of a monetary penalty for the clerk's first
12 violation.

13 (8) The board may issue a cease and desist order to any person
14 who is found by the board to have violated or (~~(intending [intends])~~)
15 intends to violate the provisions of this chapter or RCW 26.28.080,
16 requiring such person to cease specified conduct that is in
17 violation. The issuance of a cease and desist order does not preclude
18 the imposition of other sanctions authorized by this statute or any
19 other provision of law.

20 (9) The board may seek injunctive relief to enforce the
21 provisions of RCW 26.28.080 or this chapter. The board may initiate
22 legal action to collect civil penalties imposed under this chapter if
23 the same have not been paid within (~~(thirty)~~) 30 days after
24 imposition of such penalties. In any action filed by the board under
25 this chapter, the court may, in addition to any other relief, award
26 the board reasonable attorneys' fees and costs.

27 (10) All proceedings under subsections (1) through (8) of this
28 section must be conducted in accordance with chapter 34.05 RCW.

29 (11) The board may reduce or waive either the penalties or the
30 suspension or revocation of a license, or both, as set forth in this
31 chapter where the elements of proof are inadequate or where there are
32 mitigating circumstances. Mitigating circumstances may include, but
33 are not limited to, an exercise of due diligence by a retailer.
34 Further, the board may exceed penalties set forth in this chapter
35 based on aggravating circumstances.

36 **PART IX**
37 **LICENSE FEES**

1 **Sec. 29.** RCW 70.345.040 and 2016 sp.s. c 38 s 7 are each amended
2 to read as follows:

3 A fee of (~~(one hundred fifty dollars)~~) \$1,000 must accompany each
4 vapor product distributor's license application or license renewal
5 application under RCW 70.345.020. If a distributor sells or intends
6 to sell vapor products at two or more places of business, whether
7 established or temporary, a separate license with a license fee of
8 (~~(one hundred dollars)~~) \$1,000 is required for each additional place
9 of business.

10 **Sec. 30.** RCW 70.345.050 and 2016 sp.s. c 38 s 8 are each amended
11 to read as follows:

12 (~~(1)~~) A fee of (~~(one hundred seventy-five dollars)~~) \$1,000 must
13 accompany each vapor product retailer's license application or
14 license renewal application under RCW 70.345.020. A separate license
15 is required for each separate location at which the retailer
16 operates.

17 (~~(2) A retailer applying for, or renewing, both a vapor products
18 retailer's license under RCW 70.345.020 and retailer's license under
19 RCW 82.24.510 may pay a combined application fee of two hundred fifty
20 dollars for both licenses.)~~)

21 **Sec. 31.** RCW 70.345.060 and 2016 sp.s. c 38 s 10 are each
22 amended to read as follows:

23 A fee of (~~(two hundred fifty dollars)~~) \$1,000 must accompany each
24 vapor product delivery sale license application or license renewal
25 application under RCW 70.345.020.

26 **Sec. 32.** RCW 82.24.520 and 2013 c 144 s 51 are each amended to
27 read as follows:

28 A fee of (~~(six hundred fifty dollars)~~) \$1,000 must accompany each
29 wholesaler's license application or license renewal application. If a
30 wholesaler sells or intends to sell cigarettes at two or more places
31 of business, whether established or temporary, a separate license
32 with a license fee of (~~(one hundred fifteen dollars)~~) \$1,000 is
33 required for each additional place of business. Each license, or
34 certificate thereof, and such other evidence of license as the
35 department of revenue requires, must be exhibited in the place of
36 business for which it is issued and in such manner as is prescribed
37 for the display of a business license issued under chapter 19.02 RCW.

1 The board must require each licensed wholesaler to file with the
2 department of revenue a bond in an amount not less than (~~one~~
3 ~~thousand dollars~~) \$1,000 to guarantee the proper performance of the
4 duties and the discharge of the liabilities under this chapter. The
5 bond must be executed by such licensed wholesaler as principal, and
6 by a corporation approved by the department of revenue and authorized
7 to engage in business as a surety company in this state, as surety.
8 The bond must run concurrently with the wholesaler's license.

9 **Sec. 33.** RCW 82.24.530 and 2016 sp.s. c 38 s 9 are each amended
10 to read as follows:

11 (~~(1)~~) A fee of (~~one hundred seventy-five dollars~~) \$1,000 must
12 accompany each retailer's license application or license renewal
13 application. A separate license is required for each separate
14 location at which the retailer operates. A fee of (~~thirty additional~~
15 ~~dollars~~) an additional \$200 for each vending machine must accompany
16 each application or renewal for a license issued to a retail dealer
17 operating a cigarette vending machine. An additional fee of (~~ninety-~~
18 ~~three dollars~~) \$500 must accompany each application or renewal for a
19 license issued to a retail dealer operating a cigarette-making
20 machine.

21 (~~(2) A retailer applying for, or renewing, both a retailer's~~
22 ~~license under RCW 82.24.510 and a vapor products retailer's license~~
23 ~~under RCW 70.345.020 may pay a combined application fee of two~~
24 ~~hundred fifty dollars for both licenses.))~~

25 **Sec. 34.** RCW 82.26.160 and 2005 c 180 s 12 are each amended to
26 read as follows:

27 (1) A fee of (~~six hundred fifty dollars~~) \$1,000 shall accompany
28 each distributor's license application or license renewal
29 application. If a distributor sells or intends to sell tobacco
30 products at two or more places of business, whether established or
31 temporary, a separate license with a license fee of (~~one hundred~~
32 ~~fifteen dollars~~) \$1,000 shall be required for each additional place
33 of business.

34 (2) The fees imposed under subsection (1) of this section do not
35 apply to any person applying for a distributor's license or for
36 renewal of a distributor's license if the person has a valid
37 wholesaler's license under RCW 82.24.510 for the place of business

1 associated with the distributor's license application or license
2 renewal application.

3 **Sec. 35.** RCW 82.26.170 and 2016 sp.s. c 38 s 28 are each amended
4 to read as follows:

5 (1) A fee of (~~one hundred seventy-five dollars~~) \$1,000 shall
6 accompany each retailer's license application or license renewal
7 application. A separate license is required for each separate
8 location at which the retailer operates.

9 (2) The fee imposed under subsection (1) of this section does not
10 apply to any person applying for a retailer's license or for renewal
11 of a retailer's license if the person has a valid retailer's license
12 under RCW 82.24.510 for the place of business associated with the
13 retailer's license application or renewal application.

14 (~~(3) A retailer applying for, or renewing, both a retailer's
15 license under RCW 82.26.170 and a vapor products retailer's license
16 under RCW 70.345.020 may pay a combined application fee of two
17 hundred fifty dollars for both licenses.~~)

18 **PART X**
19 **PROHIBITION ON DISCOUNTS**

20 NEW SECTION. **Sec. 36.** A new section is added to chapter 70.155
21 RCW to read as follows:

22 (1) Cigarette retailers must sell cigarettes at or above the
23 licensee's acquisition cost.

24 (2) Tobacco product retailers must sell tobacco products at or
25 above the licensee's acquisition cost.

26 (3) In accordance with section 40 of this act, vapor product
27 retailers and delivery sellers must sell vapor products at or above
28 the licensee's acquisition cost.

29 NEW SECTION. **Sec. 37.** A new section is added to chapter 70.345
30 RCW to read as follows:

31 (1) Vapor product retailers and delivery sellers must sell vapor
32 products at or above the licensee's acquisition cost.

33 (2) Nothing in this section prohibits a retailer from offering a
34 tasting of vapor products in accordance with RCW 70.345.100.

35 **PART XI**

1 **PROHIBITION ON COUPONS**

2 **Sec. 38.** RCW 70.155.070 and 1993 c 507 s 8 are each amended to
3 read as follows:

4 No person shall give or distribute cigarettes or other tobacco
5 products to a person by a coupon (~~((if such coupon is redeemed in any~~
6 ~~manner that does not require an in-person transaction in a retail~~
7 ~~store))~~).

8 **Sec. 39.** RCW 70.345.110 and 2016 sp.s. c 38 s 20 are each
9 amended to read as follows:

10 ~~((1))~~ No person may give or distribute vapor products to a
11 person ~~((free of charge))~~ by a coupon ~~((, unless the vapor product was~~
12 ~~provided to the person as a contingency of prior or the same purchase~~
13 ~~as part of an in-person transaction or delivery sale.~~

14 ~~(2) This section does not prohibit the use of coupons to receive~~
15 ~~a discount on a vapor product as part of an in-person transaction or~~
16 ~~delivery sale))~~.

17 **PART XII**

18 **PROHIBITION ON FREE PRODUCTS**

19 NEW SECTION. **Sec. 40.** A new section is added to chapter 70.155
20 RCW to read as follows:

21 It is unlawful for a person to provide any free item or product
22 to a customer as part of a transaction for the sale of cigarettes,
23 tobacco products, or vapor products.

24 NEW SECTION. **Sec. 41.** A new section is added to chapter 70.345
25 RCW to read as follows:

26 In accordance with section 36 of this act, it is unlawful for a
27 person to provide any free item or product to a customer as part of a
28 transaction for the sale of vapor products.

29 **PART XIII**

30 **REMOVING LOCAL PREEMPTION**

31 **Sec. 42.** RCW 70.155.130 and 1993 c 507 s 14 are each amended to
32 read as follows:

1 (a) For cigars except little cigars, (~~ninety-five~~) 95 percent
2 of the taxable sales price of cigars, not to exceed (~~sixty-five~~) 65
3 cents per cigar;

4 (b) For all tobacco products except those covered under separate
5 provisions of this subsection, (~~ninety-five~~) 95 percent of the
6 taxable sales price. The tax imposed on a product under this
7 subsection must be reduced by (~~fifty~~) 50 percent if that same
8 product is issued a modified risk tobacco product order by the
9 secretary of the United States department of health and human
10 services pursuant to Title 21 U.S.C. Sec. 387k(g)(1), or by (~~twenty-~~
11 ~~five~~) 25 percent if that same product is issued a modified risk
12 tobacco product order by the secretary of the United States
13 department of health and human services pursuant to Title 21 U.S.C.
14 Sec. 387k(g)(2). The tax reduction applies during the period the
15 modified risk tobacco product order is in effect;

16 (c) For moist snuff, as established in this subsection (1)(c) and
17 computed on the net weight listed by the manufacturer:

18 (i) On each single unit consumer-sized can or package whose net
19 weight is one and two-tenths ounces or less, a rate per single unit
20 that is equal to the greater of 2.526 dollars or (~~eighty-three and~~
21 ~~one-half~~) 83.5 percent of the cigarette tax under chapter 82.24 RCW
22 multiplied by (~~twenty~~) 20; or

23 (ii) On each single unit consumer-sized can or package whose net
24 weight is more than one and two-tenths ounces, a proportionate tax at
25 the rate established in (c)(i) of this subsection (1) on each ounce
26 or fractional part of an ounce; and

27 (d) For little cigars, an amount per cigar equal to the cigarette
28 tax under chapter 82.24 RCW.

29 (2) Taxes under this section must be imposed at the time the
30 distributor (a) brings, or causes to be brought, into this state from
31 without the state tobacco products for sale, (b) makes, manufactures,
32 fabricates, or stores tobacco products in this state for sale in this
33 state, (c) ships or transports tobacco products to retailers in this
34 state, to be sold by those retailers, or (d) handles for sale any
35 tobacco products that are within this state but upon which tax has
36 not been imposed.

37 (3) (~~The~~) (a) Except as provided in (b) of this subsection, the
38 moneys collected under this section must be deposited into the state
39 general fund.

1 (b) The following amounts of moneys collected under this section
2 must be deposited into the following accounts:

3 (i) Up to \$10,000,000 annually to the Andy Hill cancer research
4 endowment fund match transfer account in accordance with RCW
5 43.348.080;

6 (ii) Up to \$10,000,000 annually to the foundational public health
7 services account in accordance with RCW 82.25.015; and

8 (iii) Up to \$20,000,000 annually to the youth tobacco and vapor
9 products prevention account in accordance with RCW 70.155.120.

10 **Sec. 45.** RCW 43.348.080 and 2025 c 199 s 5 are each amended to
11 read as follows:

12 (1) The Andy Hill cancer research endowment fund match transfer
13 account is created in the custody of the state treasury to be used
14 solely and exclusively for the program created in RCW 43.348.040.
15 Moneys in the account may be spent only after appropriation. The
16 purpose of the account is to provide state matching funds and other
17 state appropriations for the fund and administrative costs.
18 Expenditures to fund or reimburse the program administrator are not
19 subject to the requirements of subsection (5) of this section.

20 (2) The legislature must appropriate a state match, up to a
21 maximum of (~~ten million dollars~~) \$10,000,000 annually, beginning
22 July 1, 2016, and each July 1st following the end of the fiscal year
23 from tax collections and penalties generated from enforcement of
24 state taxes on cigarettes and other tobacco products by the state
25 liquor and cannabis board or other federal, state or local law or tax
26 enforcement agency, as determined by the department of revenue. Tax
27 collections include any cigarette tax, other tobacco product tax, and
28 retail sales and use tax. Any amounts deposited into this account
29 from the tax imposed under RCW 82.25.010 in excess of the cap
30 provided in this subsection must be deposited into the foundational
31 public health services account created in RCW 82.25.015. To the
32 extent the tax imposed under RCW 82.25.010 and other revenues to the
33 account under subsection (3) of this section results in less than
34 \$10,000,000 annually to the Andy Hill cancer research endowment fund
35 match transfer account, the remaining amount to reach \$10,000,000 per
36 fiscal year must be deposited into this account from the tobacco
37 products tax in RCW 82.26.020.

38 (3) Revenues to the account must consist of deposits into the
39 account, taxes imposed on vapor products under RCW 82.25.010, a

1 portion of tobacco products taxes as provided in subsection (2) of
2 this section and RCW 82.26.020, legislative appropriations, and any
3 gifts, grants, or donations received by the department for this
4 purpose.

5 (4) Each fiscal biennium, the legislature must appropriate to the
6 department of commerce such amounts as estimated to be the balance of
7 the match transfer account to provide state matching funds.

8 (5) Expenditures from the account may be made only upon receipt
9 of proof from the program administrator of committed nonstate or
10 private contributions for cancer research, prevention, or care
11 supported by the match transfer account or advancement of the
12 program. Expenditures from the match transfer account, in the form of
13 matching funds, may not exceed the total amount of committed nonstate
14 or private contributions.

15 (6) The department and board must enter into an appropriate
16 agreement with the program administrator to demonstrate exchange of
17 consideration for the expenditures from the match transfer account
18 that are subject to subsection (5) of this section.

19 (7) Moneys expended into the account in fiscal year 2023 pursuant
20 to section 706, chapter 297, Laws of 2022 are not subject to the
21 requirements of subsections (5) and (6) of this section.

22 (8) Moneys expended into the match transfer account for the
23 purposes of implementing RCW 43.348.090 are not subject to the
24 requirements of subsections (5) and (6) of this section.

25 **Sec. 46.** RCW 82.25.015 and 2023 c 435 s 9 are each amended to
26 read as follows:

27 The foundational public health services account is created in the
28 state treasury. Half of all of the moneys collected from the tax
29 imposed on vapor products under RCW 66.44.010 must be deposited into
30 the account. To the extent moneys collected from the tax imposed on
31 vapor products results in less than \$10,000,000 annually to the
32 foundational public health services account, the remaining amount to
33 reach \$10,000,000 per fiscal year must be deposited into the account
34 from the tobacco products tax in RCW 82.26.020. Moneys in the account
35 may be spent only after appropriation. Moneys in the account are to
36 be used to fund foundational health services.

37 **Sec. 47.** RCW 70.155.120 and 2023 c 398 s 6 are each amended to
38 read as follows:

1 (1) The youth tobacco and vapor products prevention account is
2 created in the state treasury. All fees collected pursuant to RCW
3 70.155.100(3)(b), 82.24.520, 82.24.530, 82.26.160, and 82.26.170 and
4 funds collected by the board from the imposition of monetary
5 penalties shall be deposited into this account, except that 10
6 percent of all such fees and penalties shall be deposited in the
7 state general fund. To the extent moneys collected in this account
8 from such fees and monetary penalties results in less than
9 \$20,000,000 annually to the youth tobacco and vapor products
10 prevention account, the remaining amount to reach \$20,000,000 per
11 fiscal year must be deposited into the account from the tobacco
12 products tax in RCW 82.26.020.

13 (2) Moneys appropriated from the youth tobacco and vapor products
14 prevention account to the department of health shall be used by the
15 department of health for implementation of this chapter, including
16 collection and reporting of data regarding enforcement and the extent
17 to which access to tobacco products and vapor products by youth has
18 been reduced.

19 (3) The department of health shall enter into interagency
20 agreements with the board to pay the costs incurred, up to 30 percent
21 of available funds, in carrying out its enforcement responsibilities
22 under this chapter. Such agreements shall set forth standards of
23 enforcement, consistent with the funding available, so as to reduce
24 the extent to which tobacco products and vapor products are available
25 to individuals under the age of 21. The agreements shall also set
26 forth requirements for data reporting by the board regarding its
27 enforcement activities. During the 2019-2021 fiscal biennium, the
28 department of health shall pay the costs incurred, up to 23 percent
29 of available funds, in carrying out its enforcement responsibilities.

30 (4) The department of health, the board, and the department of
31 revenue shall enter into an interagency agreement for payment of the
32 cost of administering the tobacco retailer licensing system and for
33 the provision of quarterly documentation of tobacco wholesaler,
34 retailer, and vending machine names and locations.

35 (5) The department of health shall, within up to 70 percent of
36 available funds, provide grants to local health departments or other
37 local community agencies to develop and implement coordinated tobacco
38 and vapor product intervention strategies to prevent and reduce
39 tobacco and vapor product use by youth. During the 2019-2021 fiscal
40 biennium, the department of health shall, within up to 77 percent of

1 available funds, provide grants to local health departments or other
2 local community agencies to develop and implement coordinated tobacco
3 and vapor product intervention strategies to prevent and reduce
4 tobacco and vapor product use by youth.

--- **END** ---